

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JOHN C. TAYLOR,

Plaintiff,

vs.

NATIONWIDE CREDIT INC.,

Defendant.

CASE NO. 11 CV 1472 MMA (BGS)

**ORDER GRANTING KROHN & MOSS, LTD.'S MOTION TO WITHDRAW AS COUNSEL OF RECORD**

[Doc. No. 7]

Currently pending before the Court is Krohn & Moss, Ltd.'s motion to be relieved as counsel of record for Plaintiff John C. Taylor, pursuant to Civil Local Rule 83.3(g)(3). [Doc. No. 7.] The motion was set for hearing on December 19, 2011. On December 7, with no objections filed, the Court deemed the motion suitable for decision on the papers and without oral argument pursuant to Civil Local Rule 7.1(d)(1). [Doc. No. 14.] For the reasons stated below, the Court **GRANTS** Krohn & Moss, Ltd.'s motion to withdraw as counsel.

**DISCUSSION**

On July 5, 2011, Plaintiff filed the pending action against Defendant Nationwide Credit Inc., alleging violations of the Fair Debt Collection Practices Act and California's Rosenthal Fair Debt Collection Practices Act. [Doc. No. 1.] Defendant answered on October 12, 2011. [Doc. No. 4.] The Magistrate Judge then set an Early Neutral Evaluation ("ENE") for November 16,

1 2011. [Doc. No. 6.] Prior to the ENE, Plaintiff's counsel of record, Krohn & Moss filed the  
2 present motion to withdraw as counsel. [Doc. No. 7.] Plaintiff's counsel was present at the  
3 November 16 ENE, but John C. Taylor failed to appear as instructed by the Court. [Doc. No. 8.]  
4 The Magistrate Judge issued an order to show cause why Taylor should not be sanctioned for his  
5 failure to appear. [Doc. No. 9.] Plaintiff's counsel requested that Taylor be allowed to appear  
6 telephonically at the order to show cause hearing. [Doc. No. 11.] The Magistrate Judge granted  
7 Plaintiff's request, however, Taylor again failed to appear. [Doc. Nos. 12-13.]

8 Krohn & Moss, Ltd.'s pending motion to withdraw as counsel is based on attorney  
9 Mahadhi Corzano's representation that there has been a breakdown in the attorney-client  
10 relationship with Plaintiff. [Doc. No. 7, p.3.] Specifically, counsel indicates he "has been unable  
11 to speak with or otherwise communicate with Plaintiff despite repeated attempts," and  
12 "irreconcilable differences have developed between Counsel and Plaintiff, which make it  
13 impossible for Counsel to effectively represent Plaintiff in this action." [Id.] Before filing,  
14 counsel informed his client that he intended to file the pending motion. [Id. at p.4.] On November  
15 14, counsel served a copy of the filed motion on Plaintiff at his address in Escondido. [Id. at p.5.]  
16 To date, the Court has received no objection from Plaintiff.

17 Upon due consideration, and following a review of the record in this matter, the Court  
18 concludes Krohn & Moss, Ltd. has shown good cause to be relieved as counsel of record for  
19 Plaintiff John C. Taylor. Taylor has demonstrated a lack of interest in litigating this case,  
20 evidenced by his total disregard for the Court's orders instructing him to personally appear at the  
21 scheduled ENE and order to show cause hearing. In addition, Taylor has been given ample notice  
22 of his counsel's desire to terminate their attorney-client relationship, and to date, Taylor has not  
23 filed an objection to his counsel's request to withdraw. Finally, the Court notes that this matter  
24 remains in its early stages, as no scheduling order has issued.

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## **CONCLUSION**

2 For the reasons set forth above, the Court **GRANTS** Krohn & Moss, Ltd.'s motion to  
3 withdraw as Plaintiff's counsel of record, and **ORDERS** as follows:

4 (1) If John C. Taylor desires to pursue this action, within thirty (30) days from the  
5 date of this Order, he must either: (i) retain new counsel and have his new counsel  
6 file a notice of appearance with the Court, or (ii) he must file a notice of intent to  
7 proceed pro se.

8 (2) Plaintiff is advised that if he does not provide the Court with the required notice  
9 within the time permitted, the Court will dismiss his action without further notice.

10 (3) The Clerk of Court is instructed to terminate Krohn & Moss, Ltd. as Plaintiff's  
11 counsel of record.

## IT IS SO ORDERED.

13 | DATED: December 9, 2011

Michael M. - Ruello

Hon. Michael M. Anello  
United States District Judge